

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA**

Petitioner is a federal prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. Section 2241.

On March 24, 2006, the court entered an order directing Petitioner to complete the form for filing a Section 2241 habeas corpus petition and to file it with this court within thirty days. Petitioner did not file the completed form in this case or otherwise respond to the court's order.

On July 24, 2006, the court entered findings and recommendations that this action be dismissed for Petitioner's failure to obey the court's order of March 24, 2006. The court

1 granted Petitioner thirty days to file objections.

2 On July 31, 2006, Petitioner filed a letter with the court stating that there must be a
3 mistake because he has filed a Section 2241 habeas corpus petition in case number
4 06CV00391 OWW WMW HC.

5 After examining the court record, the court finds that in response to the court's order
6 in 05CV0543 AWI WMW HC, Petitioner timely filed a Section 2241 on the correct form.
7 Petitioner, however, failed to put the case number on his petition. Due to this error by
8 Petitioner, the petition was opened by the court as a new case - 06CV0391 OWW WMW
9 HC.

10
11 Accordingly, the Clerk of the Court is HEREBY DIRECTED to do the following:

12 1) Transfer all documents from 06CV0391 OWW WMW HC into 05CV0543 AWI
13 WMW HC;
14 2) Administratively close 06CV0391 OWW WMW HC.

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16 It is FURTHER ORDERED that the court's findings and recommendations entered
17 July 24, 2006, are VACATED.

18
19 Petitioner shall have only one Section 2241 case pending before this court, which is
20 05CV0543 AWI WMW HC. Petitioner is cautioned that any further materials filed with this
21 court MUST have this case number clearly marked on them.

22
23 IT IS SO ORDERED.

24 Dated: August 3, 2006
25 bl0dc4

26 /s/ William M. Wunderlich
27 UNITED STATES MAGISTRATE JUDGE